

2021 No. 789

ELECTRICITY

GAS

The Gas Act 1986 and Electricity Act 1989 (Electronic Communications) Order 2021

<i>Made</i> - - - -	<i>30th June 2021</i>
<i>Laid before Parliament</i>	<i>5th July 2021</i>
<i>Coming into force</i> - -	<i>1st August 2021</i>

The Secretary of State, considering that the authorisation of use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, makes the following Order in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000(a).

Citation, commencement and extent

1.—(1) This Order may be cited as the Gas Act 1986 and Electricity Act 1989 (Electronic Communications) Order 2021.

(2) This Order comes into force on 1st August 2021.

(3) Any amendment made by this Order has the same extent as the provision amended.

Amendments to the Gas Act 1986

2.—(1) Section 46 of the Gas Act 1986(b) (service of notices etc.) is amended as follows.

(2) After subsection (1) insert—

“(1A) In the case of a notice or other document required or authorised to be given, delivered or served under this Part, or regulations made under this Part, by the Authority(c) or the Secretary of State, that notice or document may also be given, delivered or served by electronic means if the conditions in subsection (1B) are met.

(1B) The conditions in this subsection are that—

- (a) the person to whom the notice or other document is to be given or delivered or on whom it is to be served has indicated to the Authority or the Secretary of State (as the case may be) the person’s willingness to receive by electronic means notices or documents of that description (and has not withdrawn that indication); and

(a) 2000 c. 7.

(b) 1986 c. 44. Section 46 was amended by paragraph 52 of Schedule 3 and Schedule 6 to the Gas Act 1995 (c. 45) and by paragraphs 2(1) and 18 of Schedule 6 to the Utilities Act 2000 (c. 27).

(c) Section 66 of the Gas Act 1986 defines “the Authority”.

- (b) the notice or document is sent to the number or address most recently specified by the person for that purpose.
- (1C) An indication for the purposes of subsection (1B)—
 - (a) must be given in such manner and include such information as the Authority or the Secretary of State (as the case may be) directs; and
 - (b) may be withdrawn by an indication given in such manner as the Authority or the Secretary of State (as the case may be) directs.
- (1D) Withdrawal of an indication given for the purposes of subsection (1B) takes effect at the beginning of the fifth working day after the day on which the Authority or the Secretary of State (as the case may be) receives the indication withdrawing it.
- (1E) A notice or other document which is given, delivered or served in accordance with subsection (1A) is to be treated as having been given, delivered or served on the next working day after the day on which it is sent.”
- (3) In subsection (2) after “subsection (1)” insert “or (1A)”.
- (4) For subsection (5) substitute—
 - “(5) In this section—
 - (a) references to premises specified in a licence include references to premises of a description, or situated in an area, so specified;
 - (b) “working day” means any day other than—
 - (i) Saturday or Sunday;
 - (ii) Christmas Day or Good Friday;
 - (iii) a day which is a bank holiday in England and Wales or Scotland under the Banking and Financial Dealings Act 1971(a).”

Amendments to the Electricity Act 1989

3.—(1) Section 109 of the Electricity Act 1989(b) (service of documents) is amended as follows.

- (2) After subsection (4) insert—
 - “(4A) In the case of any document required or authorised by virtue of this Act to be served on any person by the Authority(c) or the Secretary of State, that document may also be served by electronic means if the conditions in subsection (4B) are met.
 - (4B) The conditions in this subsection are that—
 - (a) the person on whom the document is to be served has indicated to the Authority or the Secretary of State (as the case may be) the person’s willingness to receive by electronic means documents of that description (and has not withdrawn that indication); and
 - (b) the document is sent to the number or address most recently specified by the person for that purpose.
- (4C) An indication for the purposes of subsection (4B)—
 - (a) must be given in such manner and include such information as the Authority or the Secretary of State (as the case may be) directs; and
 - (b) may be withdrawn by an indication given in such manner as the Authority or the Secretary of State (as the case may be) directs.

(a) 1971 c. 80; section 1 of and Schedule 1 to that Act relate to bank holidays. Schedule 1 was amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).
 (b) 1989 c. 29.
 (c) Section 111(1) of the Electricity Act 1989 defines “the Authority”.

(4D) Withdrawal of an indication given for the purposes of subsection (4B) takes effect at the beginning of the fifth working day after the day on which the Authority or the Secretary of State (as the case may be) receives the indication withdrawing it.

(4E) A document which is served in accordance with subsection (4A) is to be treated as having been served on the next working day after the day on which it is sent.”

(3) For subsection (6) substitute—

“(6) In this section—

“secretary”, in relation to a local authority within the meaning of the Local Government Act 1972^(a) or the Local Government (Scotland) Act 1973^(b), means the proper officer within the meaning of that Act;

“working day” means any day other than—

- (a) Saturday or Sunday;
- (b) Christmas Day or Good Friday;
- (c) a day which is a bank holiday in England and Wales or Scotland under the Banking and Financial Dealings Act 1971.”

Anne-Marie Trevelyan

Minister of State for Business, Energy and Clean Growth
Department for Business, Energy and Industrial Strategy

30th June 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Gas Act 1986 (c. 44) and the Electricity Act 1989 (c. 29) to enable the Gas and Electricity Markets Authority and the Secretary of State to send documents and notices by electronic means, where the recipient has indicated their willingness to receive documents and notices of the relevant kind in this way (and has not withdrawn that indication).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) 1972 c. 70.
(b) 1973 c. 65.

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